

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHARMING BEATS LLC, :
: Plaintiff, :
: : **ORDER**
- against - :
: :
META PLATFORMS, INC. et al., : 21 Civ. 8609 (VM)
: :
: Defendants. :
-----X

VICTOR MARRERO, United States District Judge.

On January 26, 2022, Defendants Meta Platforms, Inc. and Instagram, LLC filed a letter motion requesting a pre-motion conference to obtain guidance with respect to their intended motion to dismiss the third amended. (See Dkt. No. 23.) Defendants' request comes at the conclusion of the parties' letter exchange. (See Dkt. Nos. 23-1, 23-2.)

After reviewing the submissions, the Court does not believe a conference is necessary at this time. Instead, the Court is inclined to treat the parties' pre-motion letters as a motion to dismiss, see Kapitalforeningen Lægernes Invest. v. United Techs. Corp., 779 F. App'x 69, 70 (2d Cir. 2019) (affirming the district court ruling deeming an exchange of letters as fully submitted motion), but if further briefing becomes necessary the Court will direct the parties to file additional material.

Dated: April 28, 2022
New York, New York



Victor Marrero
U.S.D.J.